

House Bill 460

By: Representatives Rogers of the 26<sup>th</sup>, Smith of the 131<sup>st</sup>, Smith of the 129<sup>th</sup>, Harbin of the 118<sup>th</sup>, Collins of the 27<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 7 of Title 46 of the Official Code of Georgia Annotated,  
2 relating to penalties for violations administered by the Georgia Public Service Commission,  
3 so as to increase the fine the commission may impose for violations related to operating as  
4 a household goods carrier; to require written verification from the commission of a valid  
5 certificate as household goods carrier before allowing any advertisement holding out to the  
6 public that the person, firm, or corporation is a household goods carrier for hire; to require  
7 companies providing local and long distance service to disconnect the advertised telephone  
8 service of uncertificated carriers upon receiving notice to disconnect from the commission;  
9 to provide for the assessment of civil penalties; to provide for related matters; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 4 of Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to  
14 penalties for violations administered by the Georgia Public Service Commission, is amended  
15 by revising Code Section 46-7-91, relating to penalty for holding oneself out as household  
16 goods carrier for hire without a valid certificate of authority, as follows:

17 "46-7-91.

18 (a) Whenever the commission, after a hearing conducted in accordance with the provisions  
19 of subsection (b) of Code Section 46-7-90, finds that any person, firm, or corporation is  
20 operating as a household goods carrier for hire without a valid certificate issued by the  
21 commission or is holding itself out as such a carrier without such a certificate in violation  
22 of subsection (b) of this Code section, the commission may impose a fine of not more than  
23 ~~\$5,000.00~~ \$10,000.00 for each violation. The commission may assess the person, firm, or  
24 corporation an amount sufficient to cover the reasonable expense of investigation incurred  
25 by the commission. The commission may also assess interest at the rate specified in  
26 paragraph (1) of subsection (b) of Code Section 46-7-90 on any fine or assessment

1 imposed, to commence on the day the fine or assessment becomes delinquent. All fines,  
2 assessments, and interest collected by the commission shall be paid into the general fund  
3 of the state treasury. Any party aggrieved by a decision of the commission under this  
4 subsection may seek judicial review as provided in subsection (c) of Code Section 46-7-90.

5 (b) No person, firm, or corporation shall publish, republish, issue, affix, broadcast, or  
6 cause or permit the publishing, republishing, issuing, affixing, or broadcasting of any oral  
7 or written advertisement, broadcast, or other representation to the public or any portion  
8 thereof that a purported or would be advertiser is in operation as a household goods carrier  
9 for hire without first procuring written verification from the commission that such person,  
10 firm, or corporation holds a valid certificate as a household goods carrier. Any person,  
11 firm, or corporation which publishes, republishes, issues, affixes, or broadcasts in violation  
12 of this subsection shall be subject, after notice and hearing before the commission, to the  
13 assessment of a civil penalty of up to \$10,000.00 per violation and an additional penalty  
14 of up to \$10,000.00 per day for each day such violation continues.

15 (c) In addition to the civil penalties described in subsections (a) and (b) of this Code  
16 section, the commission shall have the authority to direct any telecommunications carrier  
17 to disconnect the telephone number published in any commercial listing of any household  
18 goods carrier that does not have a valid certificate issued by the commission. Failure by  
19 the telecommunications carrier so notified by the commission to disconnect such  
20 uncertificated carrier within ten days of receiving such notice shall subject the  
21 noncomplying telecommunications company to assessment by the commission, after notice  
22 and hearing, of civil penalties of up to \$10,000.00 per violation and an additional penalty  
23 of up to \$10,000.00 per day for each day such violation continues.

24 ~~(b)~~(d) Any person, firm, or corporation who knowingly and willfully issues, publishes, or  
25 affixes or causes or permits the issuance, publishing, or affixing of any oral or written  
26 advertisement, broadcast, or other holding out to the public, or any portion thereof, that the  
27 person, firm, or corporation is in operation as a household goods carrier for hire without  
28 having a valid certificate issued by the commission is guilty of a misdemeanor. Any fine  
29 or assessment imposed by the commission pursuant to the provisions of ~~subsection~~  
30 subsections (a) through (c) of this Code section shall not bar criminal prosecution pursuant  
31 to the provisions of this subsection."

## 32 SECTION 2.

33 All laws and parts of laws in conflict with this Act are repealed.